


United States District Court

for the

Eastern District of Arkansas

APR 23 2010

JAMES W. MCCORMACK, CLERK

By:  DEP CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Christie Emery

Case Number: 4:07CR00326-03 JMM

Name of Sentencing Judicial Officer: Honorable James M. Moody
United States District Judge

Offense: Conspiracy to Possess Stolen Mail

Date of Sentence: September 9, 2009

Sentence: 3 years probation, submit to DNA collection, substance abuse treatment, abstain from alcohol use during treatment, mandatory drug testing, no employment in an institution insured by the FDIC or a Federal Credit Union, financial conditions, no new lines of credit without prior approval of the U.S. Probation Office, mental health counseling, \$2,224.02 restitution, joint and several, and \$100 special assessment

Type of Supervision: Probation

Date Supervision Commenced: September 9, 2009
Expiration Date: September 8, 2012

Asst. U.S. Attorney: Angela Jegley

Defense Attorney: To be appointed

U.S. Probation Officer: Elaine P. Staton

Phone No.: 870-972-5189 or 935-1510

PETITIONING THE COURT

To modify the conditions of supervision as follows:

The defendant shall participate in home detention with electronic monitoring for a period of 120 days. The defendant will be permitted to attend approved and verifiable college courses, medical appointments, religious services, and substance abuse treatment classes as long as prior approval has been obtained from the U.S. Probation Officer. The defendant must provide acceptable verification of any approved departures during the home detention and allow the probation officer to make such verifications.

CAUSE

Ms. Emery provided a urine specimen on April 1, 2010, that tested presumptively positive for methamphetamine. The results were sent to Kroll Laboratories and confirmed positive for methamphetamine. On April 12, 2010, Ms. Emery provided another urine specimen that tested

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presumptively positive for methamphetamine. The results were sent to Kroll Laboratories and confirmed positive for methamphetamine; however, the urine specimen was also reported diluted with regards to the specific gravity and creatinine. Ms. Emery adamantly denies any illegal drug use but is agreeable to increased frequency in substance abuse counseling.

Ms. Emery failed to report for a drug test on March 18, 2010, per code-a-phone testing procedures.

Ms. Emery was referred to Northeast Arkansas Regional Recovery Center for outpatient substance abuse counseling in November 2009. Ms. Emery was supposed to attend substance abuse individual counseling sessions for one hour twice per month. Ms. Emery failed to attend her substance abuse counseling appointment on January 22, 2010. She also missed her appointment on March 5, 2010, of which she called and rescheduled for March 8, 2010; however, she failed to report for that appointment also. She has not been to counseling since February 10, 2010. Ms. Emery has been verbally reprimanded for missing counseling sessions and has been increased to weekly sessions of one hour of individual substance abuse counseling and one hour of substance abuse group counseling per week to address her recent relapse of illegal drug use.

In addition to recent positive drug test results, Ms. Emery has had contact with law enforcement indicating increased criminal behaviors that include verbal admission of associating with known felons. In January 2010, Ms. Emery filed a police report that her purse was stolen from the vehicle she was driving along with some clothes and her medication which included Hydrocodone and Xanax, which were both prescribed to her. The alleged thief denied taking the items but is an associate of her then boyfriend and known felon, Skip Wigginton.

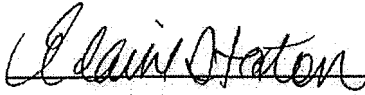
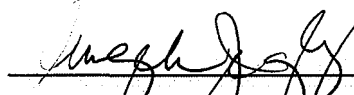
She was involved in an incident on February 12, 2010, in which she was supposedly stuck by a needle that was behind a bathroom sink in the wall of a cabin in which she and her then boyfriend, Skip Wigginton, were staying that weekend. She advised there was various illegal drug paraphernalia in the wall and the incident was reported to the park ranger and the Greene County Sheriff's office. She was not arrested or charged; however, the incident is questionable.

Ms. Emery has failed to submit her monthly reports in a timely manner. She submitted her monthly report for February on March 29, 2010. She has not submitted a report for March 2010. Monthly supervision reports are due by the fifth day of each month.

Ms. Emery was previously represented by appointed counsel Patrick L. Spivey. Ms. Emery will need appointed counsel. The Federal Public Defender's Office was contacted and Assistant Federal Public Defender Lisa Peters has discussed this modification with her and they are in agreement. The executed PROB 49 agreeing to the modification is attached. A CJA 23 requesting appointment of counsel is also attached.

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Elaine P. Staton
U.S. Probation OfficerAngela Jegley
Assistant U.S. Attorney

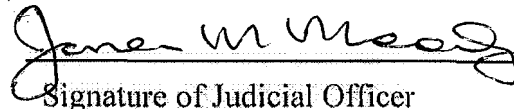
Date: April 20, 2010

Date: 4-22-10

This form is to be filed with Criminal Docketing as a motion.

THE COURT ORDERS:

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



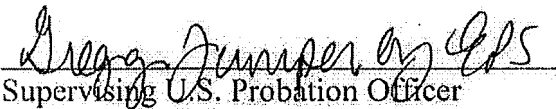
Signature of Judicial Officer

4/23/2010

Date

This form is to be filed with Criminal Docketing as an order and/or petition.

Approved:



Supervising U.S. Probation Officer

EPS/khm

c: Assistant Federal Public Defender, To be appointed, 1401 West Capitol Avenue, Suite 490, Little Rock, AR 72201
Assistant U.S. Attorney, Angela Jegley, P.O. Box 1229, Little Rock, AR 72203

PROB 49

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

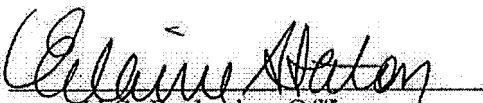
UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF ARKANSAS

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

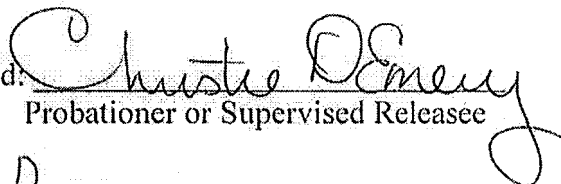
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall participate in home detention with electronic monitoring for a period of 120 days. The defendant will be permitted to attend approved and verifiable college courses, medical appointments, religious services, and substance abuse treatment classes as long as prior approval has been obtained from the U.S. Probation Officer. The defendant must provide acceptable verification of any approved departures during the home detention and allow the probation officer to make such verifications.

Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee

4/22/10

DATE